

Addendum. Contract revisions developed after advertisement of bids and before bid opening.

Advertisement. The public announcement inviting bids for work to be performed or materials to be furnished.

Award. The Department's acceptance of a Proposal.

Base Course. The layer or layers of specified or selected material placed on a subbase or subgrade to support a surface course.

Bidder. An individual, or legal entity submitting a Proposal.

Bid Documents. All writings, working papers, computer printouts, charts, and all other data compilation which contain or reflect information, data, or calculations used by the Bidder to determine the bid proposal submitted, including but not limited to material relating to the determination and application of:

- Equipment rates,
- Overhead rates and related time schedules,
- Labor rates,
- Efficiency or productivity factors,
- Arithmetic extensions, and
- Subcontractor and material supplier quotations

Any manuals which are standard to the industry used by the Bidder in determining the bid proposal. These manuals may be included in the bid documentation by reference and will show the name and date of the publication and the Publisher.

Bid Opening. The public opening of bid proposals submitted at the prescribed time and date meeting Department requirements and procedures.

Bid Schedule. A list of the bid items and estimated quantities in the Proposal.

Bridge. A single-span or multiple-span structure including supports, erected over a depression or obstruction such as water, highway, or railway; and having a track or passageway for carrying traffic or other moving loads; and having a length measured along the center of roadway of more than 20 feet between undercroppings of abutments or extreme ends of openings for multiple boxes.

Bridge Length. The greater dimension of a structure measured along the center of the roadway between backs of abutment walls or between ends of bridge deck.

Bridge Roadway Width. The clear width of a structure measured at right angles to the center of the roadway between the bottom of curbs or, if curbs are not used, between the inner faces of parapet or railing.

Calendar Day. Every day shown on the calendar including Sundays and holidays. A day begins and ends at midnight.

Change Order. A written order from the Department to the Contractor, covering changes in Contract documents, for Extra Work within the scope of the Contract, and for establishing the basis of payment or time adjustments for work affected by the

changes. This may include additional items of work or an adjustment in unit prices. When the work involved necessitates an adjustment in the Contract terms, it must be signed by the Contractor and Chief Engineer, or his representative, before it becomes effective. A Change Order signed by all parties to the Contract is a supplemental agreement.

Claim. A request or demand for something due or believed to be due.

Clue. A potential source of aggregate material identified in the Proposal and, if used, is considered a Contractor-furnished material source.

Completion. The project is complete when all work under the Contract has been satisfactorily completed and is open to traffic or available for use by the traveling public; and the Project is in condition for final acceptance.

Conformity. Compliance with reasonable and customary manufacturing and construction tolerances where working tolerances are not specified. Where working tolerances are specified, conformity means compliance with such tolerances.

Contract. The written agreement between the Department and the Contractor setting forth the obligations of the parties for the performance of the prescribed work.

The Contract includes: the Proposal, Contract Form and Contract Bond, Specifications, Supplemental Specifications, Special Provisions, Standard Drawings, general and detailed Plans, work drawings, any Change Orders and Supplemental Agreements required to complete the work and authorized extensions of time.

Contract Bond. The security, executed by the Contractor and the Surety or Sureties, furnished to the Department to guarantee complete execution of the Contract and all Supplemental Agreements and the payment of all legal debts pertaining to project construction.

Contract Item (Pay Item). A specific unit of work for which a price is provided in the Contract.

Contract Time. The number of work days, calendar days, a combination of the two, or a final calendar date allowed for completion of the Contract including authorized time extensions.

Contractor. The individual, or legal entity contracting with the Department for performance of prescribed work.

County. The county in which the work is located.

Critical Path Method. A planning, scheduling, and control technique whereby a construction Project is completely planned and scheduled utilizing an arrow diagram drawn to show the interconnected individual tasks involved in constructing the Project.

Culvert. Any structure under the roadway with a clear opening of 20 feet or less measured along the center of the roadway.

Department. The North Dakota Department of Transportation (NDDOT) or its representatives.

Director. The Director of the North Dakota Department of Transportation acting directly or through authorized representatives.

Divided Highway. A highway with separated roadways for traffic in opposite directions.

Driving Lane. The portion of the highway, excluding shoulders, normally used to accommodate the movement of vehicular traffic.

Employee. Any person working on the Project covered by the Contract who is under the direction or control of, or receives compensation from the Contractor or Subcontractor.

Engineer. The Chief Engineer of the Department, acting directly or through an authorized representative who is responsible for engineering supervision of construction.

Equipment. All machinery, tools, apparatus, and supplies necessary for the upkeep, maintenance, construction, and completion of the Project.

Expressway. A divided arterial highway for through traffic with full or partial control of access and generally with grade separations at intersections.

Extra Work. Work not provided for in the Contract but considered essential by the Engineer for satisfactory completion of the Contract within its intended scope.

Extra Work Order. A Change Order for the performance of work or furnishing of materials involving Extra Work at agreed prices or on a Force Account basis.

Federal Aid Project. A Project which is constructed entirely or partially with Federal Funds.

Field Engineer. An authorized person who is in charge of a Project and reports to the Engineer.

Fog Coat. A thin application of bitumen applied to the pavement surface, with or without a sand coating.

Force Account. Payment for extra work on the basis of actual costs plus approved additives.

Fractured Material. Aggregate crushed to a smaller size from a larger size. (i.e. aggregate retained on a 5/8" sieve crushed to produce aggregate of 1/2" or less in size.)

Freeway. An expressway with full control of access.

Frontage Street or Road. A local street or road located along side a highway for service to abutting property, adjacent areas and for control of access.

Geotextile. Any textile material generally of knitted, woven, or non-woven fabric.

Grade Separation. A crossing of two highways, or a highway and a railroad, at different levels.

Highway, Street, or Road. A general term denoting a public way for purposes of vehicular travel including the entire area within the Right of Way.

Holidays. State of North Dakota holidays are as follows:

Every Sunday.
 The first day of January, which is New Year's Day.
 The third Monday of January, which is Martin Luther King Day.
 The third Monday of February, which is President's Day.
 The Friday just before Easter Sunday and commonly known as Good Friday.
 The last Monday in May, which is Memorial Day.
 The fourth day of July, which is the anniversary of the Declaration of Independence.
 The first Monday in September, which is Labor Day.
 The eleventh day of November, which is Veteran's Day.
 The fourth Thursday in November, which is Thanksgiving Day.
 The twenty-fifth of December, which is Christmas Day.
 Every day appointed by the President of the United States or by the Governor of this State as a public holiday.

When a holiday falls on a Saturday, the preceding Friday shall be the holiday; or, when a holiday falls on a Sunday, the following Monday shall be the holiday.

The twenty-fourth of December, Christmas Eve day, will be a half-day holiday when it falls on a Monday, Tuesday, Wednesday, and Thursday. State offices will close at 12 noon that day.

Incentive/Disincentive Provisions. An adjustment to the Contract price of a pre-determined amount for each day the work is completed ahead of or behind the specified milestone, phase, or Contract completion dates.

Inspector. The Engineer's authorized representative assigned to make detailed inspections of Contract performance.

Invitation for Bids. The advertisement for Proposals for work or materials on which bids are requested. The advertisement will indicate, with reasonable accuracy the quantity and location of work to be performed, the character and quantity of material to be furnished, and the time and place of the opening of Proposals.

Laboratory. The testing laboratory of the Department or any other testing laboratory designated by the Engineer.

Major and Minor Contract Items. A major item is any Contract item having a Contract value in excess of 5% of the total original Contract amount. All other items are minor items.

Minor items in the original Proposal shall become major items when the total cost increases to at least 5% of the total original Contract amount.

Materially Unbalanced Bid. A bid in which bid items are so mathematically unbalanced that a change in quantities could result in an added cost to the Department that is higher than if a balanced bid were used.

Materials. Any substances specified for use in constructing the Project.

Mathematically Unbalanced Bid. A bid containing unbalanced lump sum or unit bid items which do not reflect the bidder's actual costs plus a proportionate share of anticipated profit, overhead, and indirect costs.

Median. The portion of a divided highway separating the traveled ways.

M Gal. 1,000 gallons.

Notice to Proceed. A written notice to the Contractor to begin the Contract work; or, in lieu of such written notice, the delivery of the executed Contract documents to the Contractor will serve as “notice to proceed.”

Pavement Structure. The combination of subbase, base course, and surface course placed on a subgrade to support and distribute the traffic load to the roadbed.

Plans. The Contract drawings showing location, character, and dimensions of the prescribed work including layouts, profiles, cross sections, and other details.

Prequalified Bidder. A bidder who has submitted evidence satisfying the Department as to the bidder’s qualifications based on integrity, responsibility, and competence relative to the type and size of the contemplated Projects, and has received written authorization to bid from the Department.

Prequalification Forms. The specified forms on which required information is furnished concerning the bidder’s ability to perform and finance the work.

Prime Coat. A surface application to coat and bind the aggregate base.

Profile. A charted line indicating grades and distances and usually depth of cut and height of fill for excavation and grading work; taken along a centerline or other designated line. A side view, as distinct from a plan or overhead view.

Project. The specific section of highway on which construction is to be performed under the Contract.

Proposal. (Commonly referred to as Bid) The Bidder’s offer on Department forms, to perform the work at the prices quoted.

Proposal Form. (Commonly referred to as Proposal) The prescribed forms on which the Department requires bids to be prepared and submitted for the work.

Proposal Guaranty. The security furnished to guarantee the Bidder will enter into the Contract if the Proposal is accepted.

Responsive Bid. A bid which meets all requirements of the “Invitation for Bids.”

Responsible Bidder. A bidder who has met all of the Department’s prequalification requirements.

Right of Way. A general term denoting land, property, or interest therein, acquired for or devoted to a highway.

Roadbed. The graded portion of a highway, within top and side slopes, prepared as a foundation for the pavement structure and shoulder.

Roadside. The area adjoining the outer edge of the roadway. Extensive areas between the roadways of a divided highway may also be considered roadside.

Roadway. The portion of a highway including shoulders for vehicular use.

Roadway Prism. The cross-sectional view of a roadway at a given point.

Shop Drawings. Incidental drawings furnished by the Contractor illustrating how a specific portion of the work shall be fabricated or installed.

Shoulder. The portion of the roadway adjacent to the traveled way for accommodation of stopped vehicles for emergency use and for lateral support of base and surface courses.

Sidewalk. The portion of the roadway primarily constructed for pedestrian use.

Sieve. U.S.A. Standard Sieve, as defined in AASHTO M 92. Percent passing sieve sizes is by weight.

Special Provisions. Additions and revisions to the Standard and Supplemental Specifications covering special conditions on an individual project.

Specialty Item. Item of work that requires specialized knowledge, abilities, or equipment not ordinarily required with the major type of work specified in the Contract.

Specifications. Compilation of Special Provisions and Standard and Supplemental Specifications for performance of prescribed work.

Specified Completion Date. The date on which the Contract work is specified to be completed.

Stabilization. The modification of soils or aggregates by incorporating materials that increases load-bearing capacity, firmness, or resistance to weathering or displacement.

Standard Details. An approved set of drawings showing standard details of construction and materials.

Standard Specifications. A book of Specifications approved for general application and repetitive use.

State. The State of North Dakota acting through its authorized representative.

State Aid Project. A Project which is constructed entirely with State Funds or State and local subdivision funds.

Station. When used as a definition or term of measurement, a station is 100 linear feet.

Structures. Bridges, culverts, catch basins, drop inlets, retaining walls, cribbing, manholes, endwalls, buildings, sewers, service pipes, underdrains, foundation drains, and similar features which may be encountered in the work.

Subcontractor. An individual, or legal entity with whom the Contractor sublets part of the Contract.

Subbase. The layers of specified or selected material of designated thickness placed on a subgrade to support a base course.

Subgrade. The top surface of an embankment or cut section on a graded roadway. It is the foundation for the subbase, base, and surface course.

Substantial Completion. A Project is substantially complete when it is open for safe and convenient use by the traveling public, and all necessary safety features are in place; or, if not to be opened to traffic, when it is ready for the subsequent Project.

Substructure. All of the structure below the bearings of simple and continuous spans, skewbacks of arches and tops of footings of rigid frames, including the backwalls, wingwalls and wing protection railings.

Superintendent. The Contractor's authorized representative in responsible charge of the work.

Superstructure. The entire structure except the substructure.

Supplemental Agreement. A written agreement for the performance of work which is beyond the scope of the original Contract but which the Department elects to perform in conjunction with the existing Contract.

Supplemental Specifications. Approved additions and revisions to the Standard Specifications.

Surcharge. Additional fill material above the grade line for the purpose of adding weight.

Surety. The legal entity or individual, other than the Contractor, executing a Proposal Guaranty.

Surface Course. One or more layers of a pavement structure designed to accommodate the traffic load; the top layer of which resists skidding and traffic abrasion. The top layer is sometimes called "Wearing Course."

Tack Coat. An application of bitumen to an existing asphalt surface to provide bond with the next course.

Titles (or Headings). The titles or headings of the Sections and Subsections in this book are for reference only and shall have no bearing on the interpretation of specifications.

Traveled Way. The portion of the roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

Unbalanced Bid. A bid that does not reflect the true cost of providing the material, equipment, and labor required to complete the item of work. (See "Materially Unbalanced Bid" and "Mathematically Unbalanced Bid.")

Work. The furnishing of all labor, materials, equipment, and incidentals necessary to complete the Project according to all duties and obligations imposed by the Contract.

Working Day. A calendar day on which weather and other conditions not under the Contractor's control permits construction operations to proceed with the normal working force engaged in performing the controlling item or items of work which would be in progress at that time.

Work Drawings. Supplemental design sheets or similar data which the Contractor is required to furnish such as shop drawings, erection plans, falsework plans, framework plans, cofferdam plans, and bending diagrams for reinforcing steel.

Work Order. A written order, signed by the Engineer, of a contractual status requiring performance by the Contractor without negotiation.

Written Permission of the Engineer. A letter signed by the Deputy Director for Engineer or an authorized representative granting specific permission and outlining limitations of the permission.

When these specifications indicate that work shall be “required, requested, directed, authorized, ordered, permitted, suspended, approved, accepted, or rejected,” it shall be understood that these expressions and others similar to them are followed by the phrase, “by the Engineer.”

SECTION 102 BIDDING REQUIREMENTS AND CONDITIONS

102.01 PREQUALIFICATION OF BIDDERS.

Only prequalified Bidders will be allowed to bid on any Project. A prequalified Bidder is one who has submitted evidence showing, to the Director’s satisfaction that this Bidder is responsible and competent to perform the proposed work according to all terms of the Contract. This evidence consists of detailed information regarding the Bidder’s finances, organization, equipment, and previous experience, provided on standard forms furnished by the Department. The application shall be submitted not less than 7 days before the bid opening in which the Bidder desires to bid, and at such additional times as the Director may request or the Bidder elect. The prequalification shall be in force for one year from the approval date. A supplemental statement, on a standard form furnished by the Department, stating the amount of work currently under contract, shall be submitted with each request for Proposal Forms.

The Director reserves the right to check any or all statements submitted by the Bidder, and to obtain additional pertinent information from other sources.

Prequalification is not required for Landscaping, Rest Area, Electrical, and other Specialty Work Contractors. Satisfactory evidence must be submitted before receiving Proposal Forms showing the proposed Bidder is competent and has an organization, and equipment sufficient to perform the work.

102.02 CONTRACTOR’S LICENSE.

A bidder is not required to have a Contractor’s license from the State of North Dakota to bid on a Project, however, a Contract will not be awarded until the Contractor obtains an appropriate North Dakota Contractor’s license.